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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,312

04/24/2007

Javier Salazar Corcuera

21029-00312-US1

8442

30678

7590

12/21/2011

CONNOLLY BOVE LODGE & HUTZ LLP

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SUITE 1100

WASHINGTON, DC 20006

EXAMINER

BERRY JR, WILLIE WENDELL

ART UNIT

PAPER NUMBER

3652

MAIL DATE

DELIVERY MODE

12/21/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/581,312	CORCUERA, JAVIER SALAZAR	
	Examiner	Art Unit	
	WILLIE BERRY JR	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 7-13 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 7-9 and 11-13 is/are rejected.
- 8) ☒ Claim(s) 10 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over patent no. 7,419,349 to Goodrich in view of patent no. 4,966,516 to Vartanian.

Regarding claims 7, 11 and 12, Goodrich discloses two rectangular frames (not numbered, but shown in fig. 13) attached by a hinge (not numbered, but shown in fig. 14), a second hinge (not numbered, but shown in fig. 4; note: hinge used to swing wheelchair assembly outside doorframe), a first fixed floor section (34), a moving floor section (36), a cable brake (198), a suspension cable (188) and a hydraulic means for controlling deployment (186 and col. 12, lines 30-35).

Goodrich discloses the claimed invention except for a second fixed and moving floor sections and locking mechanism.

Vartanian discloses that it is known to have a locking mechanism (col. 8, lines 54-63) in a vehicle access ramp.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Goodrich with the teachings of Vartanian for the purpose of providing additional functionality to the ramp.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include second fixed and moving floor sections, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 8, Goodrich discloses guides (52 and 52') and runners (col. 7, lines 1-5).

Goodrich does not disclose a second set of guide and runners.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second set of guides and runners, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 9, Goodrich discloses a groove (not numbered, but shown in fig. 9) in the guide.

Regarding claim 13, Vartanian discloses a locking mechanism.

Vartanian does not disclose a locking mechanism having a push-rod and cable.

However, the prior art element performs the function specified in the claim in substantially the same manner as the function is performed by the corresponding element described in the specification, and such structure are considered art recognized equivalent structures and would have functioned at least equally as well. It would have been obvious to modify the device in this way for the purpose of providing an alternative arrangement that would have functioned at least equally as well.

Allowable Subject Matter

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 10/24/11 have been fully considered but they are not persuasive. First, applicant argues that Goodrich does not disclose two frames connected by a hinge. The examiner disagrees because Goodrich discloses frames (34 and 36) connected by hinge and shown in fig. 14. Next, applicant argues that Goodrich does not disclose a second frame with a fixed floor and moving floor. The examiner disagrees because since Goodrich has a first frame disclosing these limitations, the examiner felt that it would have been obvious to have a second frame having these limitations as a mere duplication of parts. Next, applicant argues Goodrich teaches against the moving floor shifting due to gravity. The examiner believes this argument is moot because he was unable to find in Goodrich applicant's alleged reference where Goodrich teaches against the moving floor shifting due to gravity. Next, applicant argues that Goodrich does not disclose the suspension cable extending from the cable break to the first and second frames. The examiner disagrees because Goodrich does disclose the suspension cable (188) extending from cable break (198) to first and second frames (120 and 122) shown in figures 20-22.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE BERRY JR whose telephone number is (571)272-6191. The examiner can normally be reached on Mon-Fri, 11:30-8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Saul J. Rodriguez/
Supervisory Patent Examiner, Art
Unit 3652

Wbj.